



Amherst County Board of Supervisors
County Ordinance No. 2013-0010

AN ORDINANCE, NO. 2013-0010

Amending the definition of avoidance areas to provide with respect to ridge areas that it includes only those ridge areas which have, within a 500 yard area, two or fewer personal wireless service facilities at the time of application. This change is intended to facilitate review of applications involving ridge areas that already have sited on them more than two personal wireless service facilities.

Approved as to form and legality by the County Attorney

FIRST READING: Planning Commission, September 5, 2013

PUBLIC HEARING: Planning Commission, September 19, 2013

FIRST READING: Board of Supervisors, October 1, 2013

PUBLIC HEARING: Board of Supervisors, October 15, 2013

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That section 919.03 of the Code of the County of Amherst, be and hereby is amended, as follows:

Sec. 919.03 Definitions.

919.03 Definitions. The following definitions, in addition to applicable definitions contained in Section 302 of Appendix A to the Amherst County Code, shall apply to facilities placed, constructed, or modified under Section 919:

Alternative structure means a facility that is not primarily constructed for the purpose of supporting antennas but on which one (1) or more antennas may be mounted. Alternative structures include, but are not limited to, buildings, water tanks, light stanchions, pole signs, billboards, church steeples and electric power transmission poles.

Amateur radio tower means any tower or support structure used for amateur radio transmissions consistent with the "Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio facilities.

Ancillary structure means any form of development associated with a personal wireless service facility, including but not limited to foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excepting equipment facilities.

Antenna means a rod, panel, dish, grid, antenna array, or similar device used for the transmission or reception of radio frequency signals travelling on a conductor, into an electromagnetic wave in free space.

Antenna array means one (1) or more antennas, which may include an omni-directional antenna (whip), a directional antenna (panel or sector), or a parabolic antenna (dish), mounted at the same height on a tower or other structure and intended to transmit a signal providing coverage over a specific area for a single provider of personal wireless services.

Antenna element means any part or piece of an antenna.

ASR means the Antenna Facility Registration Number as required by the FAA and FCC.

Attached antenna facility means a facility which is not primarily constructed for the purpose of holding antenna(s) but on which one (1) or more antenna(s) are mounted. Examples include water tanks, buildings, rooftops, light poles and utility distribution poles.

Avoidance areas means those areas identified in the county's comprehensive plan where the siting of personal wireless service facilities could result in adverse impacts, specifically: (i) any ridge area ~~where a~~ having sited on it, within a 500 yard area, two or fewer personal wireless service facilities at the time of application if the personal wireless service facility would be skylighted; (ii) an area within a historic district as defined by the Virginia Department of Historic Resources; (iii) an area within the Blue Ridge Parkway viewshed; or (iv) an area within two hundred (200) feet of any state scenic highway or by-way.

Azimuth means the rotation of an antenna around a vertical axis, and relates to how an antenna is positioned in the horizontal plane to maximize its efficiency.

Blue Ridge Parkway Viewshed means the spatial area of land that is visible in a view from the Blue Ridge Parkway extending one (1) mile from such Parkway, as measured by the Amherst County Geographical Information System, or other data that may be more accurate as approved by the zoning administrator.

Colocation means the practice of installing and operating multiple wireless service providers, or radio common carrier licensees on the same tower or support structure or attached antenna facility using different and separate antenna, feed lines and radio frequency generating equipment.

Combined antenna means an antenna or antenna array designed and utilized to provide services for more than one (1) wireless provider, or a single wireless provider utilizing more than one (1) frequency band or spectrum, for the same or similar type of services.

Concealed means a tower or support structure, ancillary facility, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. Concealed facilities may be attached or freestanding. A concealed attached facility may include, but is not limited to, the following: painted antenna and feed lines to match the color of a building or facility, faux windows, dormers or other architectural features that blend with an existing or proposed building or facility. Freestanding concealed antenna support facilities may have a secondary, function which may be, but is not limited to, the following: church steeple, windmill, bell tower or support structure, clock tower or support structure, light standard, flagpole with or without a flag, or tree.

Equipment compound means the fenced area surrounding the ground-based communication facility, including the areas inside or under a tower or support structure's framework.

Feed lines means cables used as the interconnecting media between the transmission or receiving base station and the antenna.

Flush mounted means any antenna or wireless communication antenna array attached directly to the face of the support facility or building such that the antenna extends a minimal distance of eighteen (18) inches to twenty-four (24) inches beyond the width of the support facility or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support facility or building to the inside edge of the antenna.

Mitigation means a modification of an existing tower or support structure to increase its height or to improve its integrity, functionality, or aesthetic appearance, which modification has the effect of (i) reducing the number of personal wireless service facilities, or (ii) reducing the number of nonconforming personal wireless service facilities.

Monopole means a type of free-standing telecommunication tower or support structure consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of tower or support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

New construction means the construction of a tower or support structure either where no such facility exists at the time of application, or where the applicant is proposing to demolish an existing tower or support structure to construct a new facility for a development involving facility replacement.

Non-concealed means a telecommunication tower or support structure that is readily identifiable as such and is either freestanding, attached, or guyed.

Personal wireless services means those services defined by 47 U.S.C. § 332 (Section 704 of the Telecommunications Act of 1996), including Federal Communications Commission licensed commercial wireless telecommunications services such as cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), common carrier wireless exchange access services, wireless services, and wireless broadband internet access.

Personal wireless service facility or facility means a facility for the provision of personal wireless services or other wireless access services, typically consisting of an equipment shelter or cabinet, a support tower or mount, wireless communication antenna arrays, cables, and compound.

Radio frequency emission means any electromagnetic radiation or other telecommunications signal emitted from an antenna or antenna-related equipment on the ground, tower or support structure, building, or other vertical projection.

Replacement tower or support structure or replacement means the removal of an existing telecommunication tower or support structure in order to erect a new personal wireless service facility tower or support structure for the purposes of improving structural integrity.

Skylighted means the sky is the backdrop of any portion of a personal wireless service facility.


Tier One areas means areas not located in an avoidance area which are (i) land or other property owned by the federal government, the Commonwealth, or the county; (ii) existing tower sites; and (iii) sites located in the Public Lands District (P-1), Industrial District (M-1), General Commercial District (B-2), and the Agricultural District (A-1), as those districts are specified in Article VII of Appendix A to the Amherst County Code.

Tier Two areas means sites located in the Limited Residential District (R-1), General Residential District (R-2), Multifamily Residential District (R-3), Village Center (V-1) District, as those districts are specified in Article VII of Appendix A to the Amherst County Code.

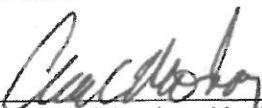
Wireless broadband facility means an unstaffed location for the wireless transmission or reception of broadband data services exclusively, usually consisting of a tower or support structure, an antenna or group of antennas, transmission cables, and equipment facilities.

§2. That this ordinance shall be in force and effect upon adoption.

Adopted this 15th day of October, 2013.


Robert M. Curd, Chairman
Amherst County Board of Supervisors

ATTEST:


Clarence C. Monday, Clerk
Amherst County Board of Supervisors

Ayes 4

Nays 0

Abstentions 0